

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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In reply refer to:  
> 1800B3-REO

Barry A. Friedman, Esq.  
Thompson Hine & Flory LLP  
1920 N Street, N.W.  
Washington, D.C. 20036-1601

Re: WKOE(FM), Ocean City, New Jersey  
and WZZP(FM), Atlantic City, New Jersey  
Application for Special Temporary Authority

Dear Mr. Friedman:

This letter concerns your request, submitted on January 26, 1998 on behalf of Spring Broadcasting of New Jersey, LLC ("Spring"), for temporary authority to permit simulcasting on WKOE(FM) and WZZP(FM). Specifically, you state that Spring is the licensee of WFPG(AM)/WFPG-FM, Atlantic City, New Jersey, and provides programming to WKOE(FM) pursuant to a written time brokerage agreement with the station's licensee, Ocean Communications. Spring also has a time brokerage agreement with Radio-Vision Communications II, Limited Partnership, the permittee of WZZP(FM). WZZP(FM) expects to begin operations under program test authority in the near future. However, you state that the provisions of 47 C.F.R. § 73.3556(a) limit duplication of programming on these stations to 25 percent of the total broadcast hours in an average week. You request authority to exceed the 25 percent limitation in order to simulcast the programming of WKOE(FM) on WZZP(FM) for a 14 day period.<sup>1</sup> You state that this 14 day period is necessary to facilitate and promote the transition of the programming format now broadcast on WKOE(FM) to WZZP(FM).

In view of the brief period of time requested, we believe that favorable action on your request is warranted. The duplication of programming on these stations for a limited fourteen day period will have no adverse consequences on economic competition or on other aspects of competition and diversity in the Atlantic City market. *See generally, KKMW (AM) and KLIF (AM), Dallas, Texas, 5 FCC Red 7735, 7738 (1990)(By Direction Letter).* Under these

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<sup>1</sup> Your request, as originally filed, sought temporary authority to exceed the simulcasting limitations for a 90 day period. However, on February 9, 1998, you amended the request to specify a temporary 14 day period during which the stations would exceed the simulcasting limitations. Because you are uncertain as to when simulcasting will begin, you have agreed that the Commission will be notified within one day of commencement of simulcasting operations under the temporary authority and that the temporary authority will expire 14 days after the commencement of simulcasting operations.

circumstances, we find that a limited waiver of the provisions of Section 73.3556(a) is consistent with the public interest. Accordingly, Section 73.3556 (a) IS HEREBY WAIVED to permit WZZP (FM) to simulcast the programming of WKOE (FM) for a period of 14 days, subject to the following condition:

WZZP(FM) must notify the Commission within one day of commencing simulcasting operations under the authority granted herein. The temporary authority to exceed the limitations of 47 C.F.R. § 73.3556(a) will expire fourteen days after commencement of simulcasting operations.

Sincerely,

A handwritten signature in cursive script, reading "Stuart B. Bedell".

Stuart B. Bedell, Assistant Chief  
Audio Services Division  
Mass Media Bureau

cc: Radio-Vision Communications II, Limited Partnership  
WZZP(FM)